

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
(Harrisburg Division)

UNITED STATES FIDELITY AND
GUARANTY COMPANY,

Plaintiff

v.

BRUCE J. BROWN and
BROWN SCHULTZ SHERIDAN &
FRITZ

NO. 1:01-CIV-00813

(Judge Kane)

(Magistrate Judge Smyser)

**ANSWER OF BRUCE J. BROWN AND BROWN SCHULTZ
SHERIDAN & FRITZ TO COMPLAINT WITH AFFIRMATIVE DEFENSES**

Defendants, Bruce J. Brown and Brown Schultz Sheridan & Fritz, by and through their attorneys, Swartz, Campbell & Detweiler, deny liability to plaintiff and answer the complaint and assert affirmative defenses as follows:

1. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of paragraph one of plaintiff's complaint.

2. Admitted in part, denied in part. Defendants deny that Brown Schultz has a principal place of business at 1011 Mumma Road, Wormleysburg, Pennsylvania.

Defendants' principal place of business is at 210 Grandview Avenue, Camp Hill, Pennsylvania.

3. Admitted.

4. Admitted in part, denied in part. Defendants are without knowledge or information sufficient to form a belief about the citizenship of plaintiff. This

paragraph contains conclusions of law to which no response is required.

5. Admitted in part, denied in part. This paragraph contains conclusions of law to which no response is required.

6. Admitted in part, denied part. CCI was involved in the construction business. Defendants are without knowledge or information sufficient to form a belief about the truth of the remaining allegations.

7. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 7.

8. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 8.

9. Defendants are without knowledge or information sufficient to form a belief about the truth of allegations of Paragraph 9.

10. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 10.

11. Admitted in part, denied in part. Defendants did not prepare audited financial statements for use by contractors' bonding companies.

12. Admitted.

13. Denied.

14. Denied.

15. through 20. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of Paragraphs 15 through 20.

21. Denied.

22. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 22.

23. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 23.

24. Admitted.

25. Defendants are without knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 25.

Count I - Negligent Misrepresentation

26. Defendants incorporate herein by reference their answers to paragraphs 1 through 25.

27. Denied.

28. Denied.

29. Denied.

30. Denied as conclusions of law. To the extent this paragraph contains factual allegations, defendants are without knowledge or information sufficient to form a belief about their truth.

31. Denied as conclusions of law. To the extent this paragraph contains factual allegations, defendants are without knowledge or information sufficient to form a belief about their truth.

32. Denied.

33. Denied.

Wherefore, defendants demand judgment in their favor and against plaintiff with interest, costs, and attorney's fees.

FIRST AFFIRMATIVE DEFENSE

34. Plaintiff does not state a cause of action for which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

35. Plaintiff's claims are or may be barred in whole or in part by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

36. Plaintiff could have avoided its alleged loss without undue burden, expense, or humiliation.

FOURTH AFFIRMATIVE DEFENSE

37. Plaintiff failed to mitigate its alleged damages.

FIFTH AFFIRMATIVE DEFENSE

38. Plaintiff's contributory negligence bars recovery from defendants.

SIXTH AFFIRMATIVE DEFENSE

39. Plaintiff assumed the risk of loss which forms the basis for this action.

SEVENTH AFFIRMATIVE DEFENSE

39. Plaintiff is estopped from litigating in this action issues which have been adjudicated in other proceedings in which plaintiff or its privy was a party.

EIGHTH AFFIRMATIVE DEFENSE

40. Plaintiff is estopped from asserting a contention or establishing a fact which is different than a contention or fact which plaintiff agreed existed or which plaintiff asserted in other proceedings including its proof of claim in the CCI bankruptcy.

NINTH AFFIRMATIVE DEFENSE

41. Plaintiff's claim is barred in whole or in part by payment and satisfaction from CCI or on behalf of CCI.

TENTH AFFIRMATIVE DEFENSE

42. Plaintiff's claim is barred in whole or in part by any release to which plaintiff was a party.

Wherefore, defendants demand judgment in their favor and against plaintiff with interest, costs, and attorney's fees.

SWARTZ, CAMPBELL & DETWEILER

BY: Kathleen M. Carson
Jeffrey B. McCarron
Kathleen M. Carson
1601 Market Street
34th Floor
Philadelphia, PA 19102
Telephone: (215) 299-4272
Facsimile: (215) 299-4301

Attorneys for Defendants Bruce J.
Brown and Brown Schultz Sheridan &
Fritz

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**United States Fidelity and
Guaranty Company**

v.

**Bruce J. Brown and Brown Schultz
Sheridan & Fritz**

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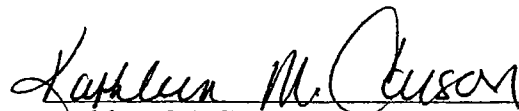
No: 01-CIV-813

Certificate of Service

I, Kathleen M. Carson, hereby certify that a copy of the answer of defendants defendants, Bruce J. Brown and Brown, Schultz, Sheridan & Fritz to complaint with affirmative defenses was served upon counsel listed below by first class mail, postage prepaid on August 23, 2001.

Jeffrey Rettig, Esquire
Thomas, Thomas & Hafer
305 North Front Street
Harrisburg, PA 17101

Peter B. McGlynn, Esquire
Bruce D. Levin, Esquire
Bernkopf, Goodman & Baseman LLP
125 Summer Street, Suite 1300
Boston, MA 02110


Kathleen M. Carson